

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86999 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- THAKURGANJ District- Kishanganj

MD. TARIQUE ALAM @ TARIQUE ALAM Son of Md Kalimuddin @
Kalimuddin Resident of Village - Maheshpur, P.S.- Pawakhali, District-
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh
Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-05-2020 Heard Mr. Ram Parvesh Kumar, the learned counsel for
the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with
Thakurganj P.S. Case No. 112 of 2019 (Special Case No.
27/2019), registered for the offence punishable under Section
22 and 23 of the NDPS Act.

The case of the prosecution as per the statement of the
informant, Sri Navin Kumar Rai, Deputy Commandant, 19th
Battalion SSB is that on 7.9.2019 at about 8.00 hours, he got an
information that near Jilebia more Thakurganj, one person is
standing and is in possession of suspicious articles whereafter
the informant along with his police team had reached there and
caught hold of the said person, who is the petitioner herein and



upon search, 500 grams mescaline and one mobile were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent and he is languishing in custody since 7.9.2019. It is further submitted that the actual quantity of mescaline recovered from the possession of the petitioner is 498.300 grams, which does not fall under the commercial quantity, hence, the petitioner can be given benefit of doubt for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the leaned counsel for the parties and perused the materials on record. This Court, upon going through the table prescribing the small quantity and commercial quantity of the Narcotic Drugs and Psychotropic Substances notified in exercise of powers conferred under the NDPS Act, 1995, has found that mescaline is mentioned at serial no. 135 of the said table and while the small quantity is mentioned as 5 grams, the commercial quantity has been mentioned as 100 grams. In such view of the mater, this Court is not in a position to entertain the present petition of the petitioner for grant of regular bail,



especially in view of the stringent provisions contained under Section 37(i)(b)(ii). Considering the aforesaid facts and circumstances of the case and taking into account the fact that commercial quantity of mescaline has been recovered from the possession of the petitioner, I do not find the present case to be a fit case for grant of bail, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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